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[Bauer v. Power Resources, Inc., 94-ERA-10 \(Sec'y June 24, 1994\)](#)

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DATE: June 24, 1994
CASE NO. 94-ERA-10

IN THE MATTER OF

JAN BAUER,

COMPLAINANT,

v.

POWER RESOURCES, INC.,

RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER OF DISMISSAL

This case is before me for review of the Recommended Order of Dismissal, dated May 19, 1994, issued by the Administrative Law Judge (ALJ) under the employee protection provision of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. § 5851 (1988). The ALJ recommends dismissal based on the parties' Stipulated Motion to Dismiss filed on May 17, 1994. It appears that the stipulation meets the terms of Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, which the Secretary has held applicable in these circumstances. *Blevins v. Tennessee Valley Authority*, Case No. 90-ERA-4, Sec. Order, June 28, 1993, slip op. at 2-3; *Ryan v. Pacific Gas and Electric Co.*, Case No. 87-ERA-32, Sec. Order, Aug. 9, 1989, slip op. at 1-2; *Nolder v. Raymond Kaiser Engineers, Inc.*, Case No. 84-ERA-5, Sec. Order, June 28, 1985, slip op. at 6-7. Accordingly, the complaint in this case is DISMISSED without prejudice.

SO ORDERED.

ROBERT B. REICH
Secretary of Labor

Washington, D.C.